

**MINUTES MEETING  
Town of Halfmoon Planning Board  
September 26, 2016**

Those present at the September 26, 2016 Planning Board meeting were:

Planning Board Members: Don Roberts –Chairman  
Marcel Nadeau- Vice Chairman  
John Ouimet-absent  
Tom Ruchlicki  
John Higgins  
Tom Koval  
Richard Berkowitz  
Cory Custer-absent

Planning Board Alternates: Margaret Sautter- absent  
Mike Ziobrowski- absent

Director of Planning: Richard Harris  
Planner: Paul Marlow

Town Attorney: Lyn Murphy  
Deputy Town Attorney: Cathy Drobny

Town Board Liaison: John Wasielewski  
Jeremy Connors

---

*Chairman Don Roberts opened the Planning Board Meeting at 7:00 pm*

*Rich Berkowitz made a motion to Approve the Minutes from the September 12, 2016 meeting. Tom Koval seconded. Motion Approved.*

*Don Roberts and Margaret Sautter abstained from the minutes approval vote because they were not present at the meeting.*

**Don Roberts:** We have a number of Public Hearings on the Agenda tonight and as we start I would just like to say that anyone wants to when the public hearing is open, anyone wants to make a comment come up to the microphone please and say your name and address because these meetings are recorded for the public record ok, that being said the first Public hearing.

**Public Information Meeting:**

**16.116/16.138      79 Ushers Road Subdivision, 79 Ushers Road - Minor Subdivision & Special Use Permit.**

**Jeff Williams:** Jeff Williams, Bruce Tanski Construction and Development , 79 Ushers road is an existing 29.43 acre parcel its zoned light industrial commercial, recently it had a single family ranch on it that burned down and has since been demolished and removed off the site. We are proposing to subdivide this parcel 29.43 acres into 2 lots, one being

2.06 acres with about 225 ft of road width and the 2nd lot would be 27.37 acres with about 158 linear feet of road width. Both lots would be served with private water, water well and public sewer. Sewer runs behind these lots, yea that's not the map, yup, that's Pruy Hill, there you go, so lot 1 will be 2.06 acres and then lot 2 will be 27.37 acres, private water, public sewer, sewer runs in the back of these lots along with the Zim Smith trail. Both lots conform to the minimum lot requirements of Light Industrial Commercial. We are proposing 2 single family homes, one on each lot and that calls for a special use permit also. Thank you.

**Don Roberts:** Ok, thank you Jeff. Would anyone from the public like to speak? Ok please come up to the microphone.

**Zena Smith:** Zena Smith, I'm at 85, 83, and 87 Ushers Road, I just wanted to find out from Mr. Williams whether they gonna clear out the entire back and to hook up the houses to the sewer line back there, Yes? No your not? oh.

**Jeff Williams:** If I could use this, so this is the whole 24 acre parcel right here, this is the first lot that we are planning on building its going to be 2.06 acres then the second one is gonna be the rest of this whole here, its pretty much cleared to the point where we can build on it, I think there is a little clearing over on this side maybe to be done. This is all wet land and you know there is a stream through here and this is all pretty much non useable land so this will be left alone.

**Zena Smith:** Are you gonna hook up the sewer?

**Jeff Williams:** There's a sewer line right through here and then we're doing an easement for this one where it goes right through here to this manhole right here, this guy will connect to that manhole right behind it, yup.

**Zena Smith:** ok, alright that's what I wanted.

**Don Roberts:** Anyone else like to speak? Since no one else likes to speak I'll close the public hearing, any comments by the board?

**John Higgins:** Jeff where the sewer line is, is where the Zim Smith trail is?

**Jeff Williams:** Yes, yup which is basically right through here, this is the sewer easement and the Zim Smith easement going right through here so it will bisect this lot, it will be in the back of this lot.

**John Higgins:** But the back piece has no other road frontage or no other access?

**Jeff Williams:** There is none. There is an easement on here, I think its approximately right here, access easement right here that the county has given to access this back land.

**John Higgins:** Ok, thank you.

**Jeff Williams:** Yup.

**Don Roberts:** Anyone else?

*Rich Berkowitz made a Negative Declaration Pursuant to SEQR. Tom Ruchlicki seconded. Motion Approved.*

*Rich Berkowitz made a motion to approve the 79 Ushers Road subdivision. Marcel Nadeau seconded. Motion Approved*

*Rich Berkowitz made a motion for a Positive Recommendation for the Approval of the Special Use Permit for 79 Ushers Road. Marcel Nadeau seconded. Motion Approved.*

**16.117**                    **91 Pruyn Hill Road Subdivision, 91 Pruyn Hill Road - Minor Subdivision**

**Jeff Williams:** 91 Pruyn Hill Road is a 2.04 acre parcel currently zoned agricultural residential , it has an existing ranch on the parcel at this point, we are proposing to subdivide this parcel to add another lot in the back which is a flag lot 40 feet width of frontage on the road. Both lots will be 1.02 acres in size , the front lot will conform to the width and of course were proposing a flag lot for the second lot. Both lots will be served with public water with private sewer and we are proposing a single family use on the new lot in the back.

**Don Roberts:** That's it?

**Jeff Williams:** Yup.

**Don Roberts:** Ok, would anyone from the public like to speak? Seeing no one wants to speak , I'll close the public hearing. Board members any comments?

**John Higgins:** Jeff when you were here previously I asked you have an approximate septic area? I requested that you actually ok'd the septic to make sure it is on that front lot, has that been done?

**Jeff Williams:** Well the septic is in that area of where we are showing it is that Gil VanGuilder did not , they didnt pinpoint it so they took it from markings.

**John Higgins:** What happened if it's over the line on the other lot?

**Jeff Williams:** Well at this point.

**John Higgins:** I requested that you locate, I mean its not that big a deal.

**Bruce Tanski:** No, its not that big a deal but I don't , all due respect I don't remember you actually requesting it , you asked me if I had located the sewer line with the sewer , I said I did I dug it up and it appears to be on the right lot , if you would like me to come back at another meeting on the septic

**John Higgins:** Bruce I just want to make sure that we don't have a problem later on with someone buying the back lot and coming in and saying you approved a subdivision with a septic that's on my property.

**Bruce Tanski:** I understand

**John Higgins:** we can look at the minutes, but I did request that you locate that to make sure that it was on the front lot ,I don't have a problem with it all, I just want to make sure that we don't have a problem somewhere down the road.

**Bruce Tanski:** Ok, I mean if my only concern, if it is close to the line, I mean its easy enough to add more leach to the east.

**John Higgins:** Or you could even just change the line slightly at this point.

**Bruce Tanski:** Correct, correct.

**John Higgins:** That's all I was concerned about.

**Don Roberts:** Well what we could do is if this gets approved we could do it contingent on if the septic is being located on the proper lots, we could do that.

**Bruce Tanski:** I'll do that for you.

**Don Roberts:** Ok.

**Bruce Tanski:** Thank you.

**Don Roberts:** Anyone else? That's fine .anyone else?

**Rich Berkowitz:** Is that brick house gonna , the ranch gonna stay or is that gonna be torn down?

**Jeff Williams:** No, thats gonna stay.

**Marcel Nadeau:** That's gonna stay. Ok.

**Jeff Williams:** Thanks.

*Rich Berkowitz made a Negative Declaration Pursuant to SEQR. Marcel Nadeau seconded. Motion Approved.*

*Rich Berkowitz made a motion to Approve the 91 Pruyin Hill Road Minor Subdivision with the requirement that the septic system is on the approved lots. Tom Koval seconded. Motion Approved.*

**Bruce Tanski:** Excuse me we will locate it, would somebody like to come out and check it out , either have the building dept. or somebody?

**Don Roberts:** Yea, that would be a good idea

**Bruce Tanski:** Ok, I'll call them and let them know.

**Don Roberts:** Ok, thank you.

**Jeff Williams:** Thank you.

**16.108/ 16.148      Campbell Subdivision, 403 Hudson River Road - Minor Subdivision & Special Use Permit**

**Tom Hansen:** Tom Hansen , 405 Hudson River Road. I'm representing Diane Campbell, we are just doing a simple subdivision. Its a 2 acre lot we are splitting in half.

**Don Roberts:** That's it?

**Tom Hansen:** It's pretty simple

**Don Roberts:** Anyone from the public like to speak? Seeing no one wants to speak we will close the public hearing, board members?

**John Higgins:** This is the one we talked about when you were here previously; you're the house in back by Chrome?

**Tom Hansen:** Yes

**John Higgins:** And then this is the piece of property between, and you're just subdividing it to give you more property?

**Tom Hansen:** Correct.

**John Higgins:** ok I just wanted to make sure I was clear on which piece it was, thank you.

**Tom Hansen:** Yup, you're welcome.

**Don Roberts:** Anyone else?

*Rich Berkowitz made a Negative Recommendation Pursuant to SEQR. Tom Koval seconded. Motion Approved.*

*Rich Berkowitz made a motion to Approve the Campbell Minor Subdivision. Tom Koval seconded. Motion Approved.*

*Rich Berkowitz made a motion to Approve the Special Use Permit for the Campbell Subdivision. Tom Ruchlicki seconded. Motion Approved.*

### **16.133            Tailored Portraits/Michael Shapiro Photography, 15 Braxton Court - In Home Occupation**

**Don Roberts:** Before you speak Michael we had a little unfortunate situation with this one so Rich please explain what happened.

**Richard Harris:** We were notified on Thursday of last week that the public hearing notices which we mailed out certified on time pursuant to State Law and our local code 10 days in advance were not delivered by the post office all the letters were returned. We followed all the same procedure we followed for the other four public hearing notices and we've been following and they were returned we then determined in consultation with council and the chairman that , that is a flaw in the public hearing notice process therefore we have to re-notice and insure the post office delivers them we will try to get them out tomorrow in advance of , it will be about 12 days prior to the next public hearing , so I think what the plan was chairman that you were going to continue with the public hearing tonight people were aware it was listed in the newspaper as also required and posted online, however the plan I believe is to keep the public hearing open tonight and re-notice and we'll ensure that the post office delivers properly in time in order to be in accordance with state law.

**Don Roberts:** Will Michael have to appear again next meeting?

**Richard Harris:** Yea, correct and the next meeting is Tuesday October 12th not Monday the 11th , we are closed , its Tuesday October 12th because of the holiday. Did I say that wrong, alright I don't even have it right, its Tuesday the 11th , Mondays the 10th so its Tuesday the 11th of October will be the next meeting , and public hearing.

**Don Roberts:** And Michael before we start I want to apologize for any inconvenience this may have caused you but it was an unforeseen circumstance.

**Michael Shapiro:** its ok, no problem. Michael Shapiro 15 Braxton Court, that's our House. We are applying for a Home Occupation permit. We have a small photography business. My wife and I and basically we have a couple of customers who sometimes visit us but mostly we simply need an address for all of our other business transactions. All photography mostly is done outside on location, as simple as that. Any questions?

**Don Roberts:** Ok, thank you, any one from the public like to speak? That being the case we will leave it open, see I'm so used to doing the other thing, we will leave it open until the next meeting ok and there's no comments from us , we

have to hear the public first, so we we'll leave the public hearing open and October 11 , you come back and do the same thing once again, alright?

**Michael Shapiro:** I'm getting better and better at it.

**Don Roberts:** ok, thank you, thank you.

**16.132      Lands of CGM & Riberdy Construction Corp., Brookwood Road - Minor Subdivision**

**Lyn Murphy:** Mr. Chairman I'm out on this matter technically not the next matter but every matter there after so I'm going to be leaving the Deputy is going to be taking over with your permission.

**Don Roberts:** Thanks for coming Lyn, enjoy the football game. Before we start I want to say that if we take action on this application tonight the next part of it will also be under old business just if anyone's here make me aware of that , go ahead Chris.

**Chris Marchand:** Good evening my name is Chris Marchand from CGM Construction. I am representing a project or presenting tonight a project that is a proposed residential development on Brookwood road. We were here several months ago with a conceptual sketch plan and tonight this public hearing is in regards to a lot line adjustment. I realize the town labels it as a minor subdivision but the purpose of this public hearing tonight is to remove the existing boundary line between two of the parcels that are east of the power lines. For people that are familiar with this street know that the barn , or I shouldn't say barn but dilapidated garage that was there and the silos were on one piece of property that was had some road frontage and then everything else , the vacant land behind there was a separate parcel. We're looking to eliminate that lot line behind where the old garages and silos were and combine that with the piece thats behind it, so we'll be left with 2 parcels, 1 parcel to the west of the National Grids property power lines and a separate 2nd parcel on the right side.

**Don Roberts:** That's it?

**Chris Marchand:** That is it.

**Don Roberts:** Ok, would anyone from the public like to speak? Getting off easy, since no one wants to speak we will close the public hearing, comments from the board?

**John Higgins:** I believe we discussed at the previous meeting that with this lot line adjustment or minor subdivision that's before the board at this time, according to the town engineer SWWP is not required for this because of the size of the subdivision is that correct Joe?

**Joe Romano:** Yea, the action tonight is just a lot line so the lot line adjusting, technically there is no disturbance of land which would trigger the need for NYS DEC's SPEDES permit, so your correct, for the action tonight there's no

**John Higgins:** for what we're talking about under this action, I just wanted to make sure that was in the minutes thats all. Thank you.

**Rich Berkowitz:** But if there is another project on this piece of land then there will be.

**Joe Romano:** Correct, if it meets the disturbance thresholds of the permit.

*Rich Berkowitz made a Negative Recommendation Pursuant to SEQR. John Higgins seconded. Motion Approved*

*Rich Berkowitz made a motion to Approve Lands of CGM & Riberdy Construction Co. Minor Subdivision. John Higgins seconded. Motion Approved.*

**New Business:**

**16.139      Bold Subdivision, 155 Brookwood Road - Minor Subdivision**

**Greg Bold:** Good evening my name is Greg Bold and I want to make an initial presentation of our proposed subdivision of the property that Lisa and I own on , with frontage on Brookwood and Button. What we're seeking to do is take the existing 11.2 acre parcel and almost put it back to where it was a few years ago. Split it into two different lots. The one lot will be the 2.75 acre piece with the existing house on it and frontage on Brookwood and the second parcel will be the remaining 8.4 acres in the back with frontage on Button Road.

**Don Roberts:** Any comments? If there is no questions or anything yup.

**John Higgins:** Now it shows that the 8.4 acres has access on Button road, 226ft is that correct?

**Greg Bold:** It looks about that, my print is small but yes it looks correct.

**John Higgins:** I just wanted to make sure it wasn't landlocked, thank you.

**Greg Bold:** no, yes it definitely continues straight out.

**John Higgins:** Ok, thank you.

*Tom Ruchlicki made a motion to set a Public Hearing for October 11, 2016. John Higgins seconded. Motion Approved.*

**16.144/16.145      Halfmoon Wine & Liquor, 1471 Rte 9 - ( Crescent Commons) - Change of Use/ Tenant & Sign**

**Mike Klimkewicz:** Evening I'm Michael Klimkewicz the owner of Halfmoon Wine and Liquor and 1471 Route 9 where Halfmoon Wine & Liquor will be located. We are here to ask for a Change in Use permit . Halfmoon Wine and Liquor is going to be approximately 2000 sq ft retail space on the eastern side of the plaza, its taking the place of a print and copy store and the yoga facility. We will also have ancillary storage in suite 209. We've also got a request in for signage.

**Don Roberts:** Now there's 2 signs going to be placed in the existing signs , one on the pylon out front , one over the store right?

**Mike Klimkewicz:** Three total.

**Don Roberts:** And this is the new sign here right?

**Mike Klimkewicz:** that is correct.

**Don Roberts:** Just explain this one here if you would a little bit.

**Mike Klimkewicz:** Right what we're doing is that faces directly towards route 9 and it'll be directly above the side of the business to give us more visibility on route 9.

**Don Roberts:** Ok that's it right?

**Mike Klimkewicz:** Yes,

**Don Roberts:** Ok, comments by the board? If you do the approvals do it separately alright.

**John Higgins:** I just want to make sure that the site is within the requirements for total signage.

**Don Roberts:** Yes, I did do the calculations.

**Paul Marlow:** Yea they've got plenty of room.

**Rich Berkowitz:** Ok, thank you.

*Marcel Nadeau made a motion to Approve the Change of Use / Tenant for Halfmoon Wine & Liquor. Tom Koval seconded. Motion Approved.*

*Tom Koval made a motion to Approve the Sign Application for Halfmoon Wine & Liquor. Marcel Nadeau seconded. Motion Approved.*

**Mike Klimkewicz:** Thank you.

#### **16.146      Crescent Gardens Mobile Home Park, Plank Road - Sign**

**Mike Klimkewicz:** After installing the sign we found that the final elevation , the sign itself is actually down in a hole. So the adjacent parcel is about 3 to 4feet higher than where the sign exists today. So we propose to raise the sign up and build a planter beneath it but raise the sign to 9 or 10 feet. to give us some better visibility going towards guideboard road. Nothing else is going to change.

**John Higgins:** The 9-10 feet that your requesting is from the ground level correct?

**Mike Klimkewicz:** It is from the side of the park, so the side that is closest to guideboard road is approximately 4 feet higher than we are so on one side it is going to be, if it was 10 feet it would be 6 feet and on the southern side which would be facing towards the road to the park it would be 10 feet.

**John Higgins:** This board can only deal with present elevations, so in essence what you are requesting is you want a sign that is going to be 14 feet from present.

**Mike Klimkewicz:** No, no, no, no

**Tom Koval:** What he is saying is currently the grade drops toward plant road so the new sign at the higher end of the grade will only be 6 ft tall.

**John Higgins:** oh ok, I'm sorry I misunderstood, I was just trying to

**Tom Koval:** In the drawing he gave us it shows the planter but then the 6 ft 7 above that, I would like to see it at 9 ft as opposed to 10 ft just because this is what we approved for others with like specifications.

**Mike Klimkewicz.** That's fine, that's fine.

**Tom Koval:** with the 9 ft being from current grade to the top of the sign.

**Don Roberts:** So that means that you're not going to add nothing to them, the ground level. ?

**Mike Klimkewicz:** No well a couple of inches of blacktop but that's it.

**Don Roberts:** So were saying 9 ft right?

**Tom Koval:** 9 ft total height.

**Don Roberts:** Ok 9 ft total

**Mike Klimkewicz:** that's great.

*Tom Koval made a motion to approve the Sign Application for Crescent Gardens Mobile Home Park. Rich Berkowitz seconded. Motion Approved.*

**Mike Klimkewicz:** Thank you , I'll let you know when the liquor store opens.

**Don Roberts:** Please do .

## **Old Business:**

### **16.031      Brookwood Farms - Major Subdivision**

**Brandon Ferguson:** Good evening my name is Brandon Ferguson from Environmental design; I'm here representing CGM Construction and Riberdy Construction. We were here previously for a 23 lot subdivision that encompassed both the east and the west side of the National Grid easement, and right now we are coming back with a revised , it only shows 7 lots on the eastern side , this will be on the just previously approved lot 2. We don't propose any road construction or extension utilities with this portion; everything will be served by town of Halfmoon water and would have private septic systems. Lots 4 -7 would be accessed through shared driveways with 2 sharing one driveway in each case. We've talked to the fire dept. previously about these and we will continue to work with them to make sure that they can get within the required distance of the homes with their trucks. There are also some lands that we conveyed to the neighbors, as you can see in the northeast corner.

**Don Roberts:** Can you use the pointer to make it clearer.

**Brandon Ferguson:** Sure, so these lands up here will be conveyed to the neighbors, I think it's like 3.9 acres total. And I know there were concerns about storm water and separating it out between the two possible two subdivisions. and we've talked to Rich Harris and Joe Romano about this, and even though this portion of the project would be possibly built on 5 Acres that would require post construction stormwater, we've agreed to do some stormwater management on the side, to ensure that if something happens to the other side we've got stormwater here that already meets the requirements. I turn it back over to you guy's thank you.

**Don Roberts:** Ok, thank you, any comments, questions?

**John Higgins:** Could you repeat what you said about stormwater on this site please?

**Brandon Ferguson:** Yes, so we are anticipating that we will be below 5 acres of disturbance on this 7 lots , which would get us below the threshold for post construction stormwater requirements for DEC, however we understand that there could be a possibility of the project on the other side pushing us over 5 acres if you combine the two, and that would , you couldn't go back and put storm water in later on so we have agreed to do storm water management as part of this project, for these houses.

**John Higgins:** Joe does that

**Joe Romano:** yea that is what has been discussed. The concern was, was that you know as a stand alone project phase one has the potential not meet the threshold to require post development storm water controls and the concern would be when Phase 2 is then developed , that threshold would be met post stormwater controls would be required and at that point phase 1 is already built , people are already in the houses there's no way to go back and put storm water management in there , so what was discussed was that phase 1 would be treated as if it was a subdivision that warranted post development stormwater controls and they would be put in at this time.

**John Higgins:** Ok thank you, so obviously the developers are listening to what we said at the previous meeting and we do appreciate very much you taking the extra effort to do that on this first piece and we thank you.

**Don Roberts:** Anyone else?

**Rich Berkowitz:** I'll make a motion to set a Public Hearing on October 11.

**Richard Harris:** Joe , we were just talking I think given the discussion on stormwater while I think you can set a public hearing whenever you want I think your gonna want some time to discuss with him some preliminary designs at least so that we go into a public hearing with being able to maybe comment from an engineering standpoint. The other thing is we do require County review on this so the timing of it you may want to push it off to the late October meeting which is the 24th I believe, October 24th to give Joe a time to do a rounder review and us get County review.

**Don Roberts:** Is that enough time for you Joe to get together with?

**Joe Romano:** It all depends on when I receive this SWPPP.

**Brandon Ferguson:** Yea we can have that to you pretty quickly with in this week so yea.

**Don Roberts:** Pardon?

**Joe Romano:** That's good.

**Don Roberts:** That's good you'll be ok with that?

**Brandon Ferguson:** Good Chris?

**Chris Marchand:** The sooner the better.

**Don Roberts:** Easy to say right, ok so,

**Richard Harris:** The only other thing I do want to mention on this is technically given your approval of the minor subdivision that occurred earlier tonight related to this, the town code would call for notice only to adjacent parcels to this now new created lot, I'd like to suggest given calls I got from neighbors whose land may not touch this half of the project we will call the Phase 1 that we do the same public notice as we did for the lot line adjustment so that the same people

**Don Roberts:** It will be an expanded notice in a way then. ?

**Richard Harris:** What's that?

**Don Roberts:** It will be an expanded notice in a way.

**Richard Harris:** Yea expanded notice to at a minimum to include what we just did for the earlier lot line adjustment. Number one it will keep from confusing things I know it will keep the people that called me about the lot line adjustment in the loop.

**Don Roberts:** That's a good idea I think then everyone's aware. Alright, ok so I guess we're asking for a motion on a public hearing on

*Tom Ruchlicki made a motion to set up a public hearing for October 24, 2016 For Brookwood Farms - Major Subdivision. with an expanded notice John Higgins seconded. Motion Approved.*

*Tom Ruchlicki made a motion to Adjourn the meeting at 7:34pm. John Higgins seconded. Meeting Adjourned.*

**Don Roberts:** Thank you for coming.